



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: September 10, 2008

Expiration Date: October 9, 2008

Corps of Engineers No: NWP-2008-439

Oregon Department of State Lands No: 41028-RF

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Merina Christoffersen
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: City of Lebanon (City)
Attn: Mr. Dan Grassick
925 Main Street
Lebanon, Oregon 97355-3213

Location: The project is located in Lebanon, Linn County, Oregon. The site is in Section 3 of Township 12 South, Range 2 West.

Waterway: Wetlands abutting Burkhart Creek, which is a tributary to the South Santiam River, a tributary to the Santiam River, which is a navigable water of the U.S.

Project Description: City would grade and fill up to 0.86-acre of wetlands for an industrial facility which includes a 2,050-foot private access road from the corner of 12th and Harrison north to the existing Albany and Eastern Railroad line and a two-acre paved surface to be used to load the lumber. Associated utilities would include 400 feet of public 12-inch sewer main, 1,650 feet of private 4-inch sewer lateral with one private sewer pump station, and 500 feet of public 12-inch water main with one fire hydrant. In addition, up to 4,200 feet of railroad switching track would be constructed.

Mitigation: As compensatory wetland mitigation the applicant has proposed to purchase 0.86-acre credits from the One Horse Slough Mitigation Bank, a certified bank within the same watershed and service area. If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: Fill waters of the U.S. to prepare for new industrial development.

Drawing(s): Seven (7) drawings labeled Corps No. NWP-2008-439 are attached (Enclosure 1).

Additional Information: Additional information may be obtained from Ms. Merina Christoffersen at the letterhead address, email merina.e.christoffersen@usace.army.mil, or telephone (541) 465-6882.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

Cultural Resources: An initial evaluation of the proposed project area indicates that the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to affect an undisturbed historic property or any other type of cultural resource.

This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential effects.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity.

Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality (DEQ)
Water Quality 401 Certification

Corps of Engineers No: NWP-2008-439
Oregon Department of State Lands No: 41028-RF

Notice Issued: September 10, 2008
Written Comments Due: October 9, 2008

WHO IS THE APPLICANT: City of Lebanon
Attn: Mr. Dan Grassick
925 Main Street
Lebanon, Oregon 97355-3213

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Northwest Region, 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Water Quality Certification Coordinator, (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

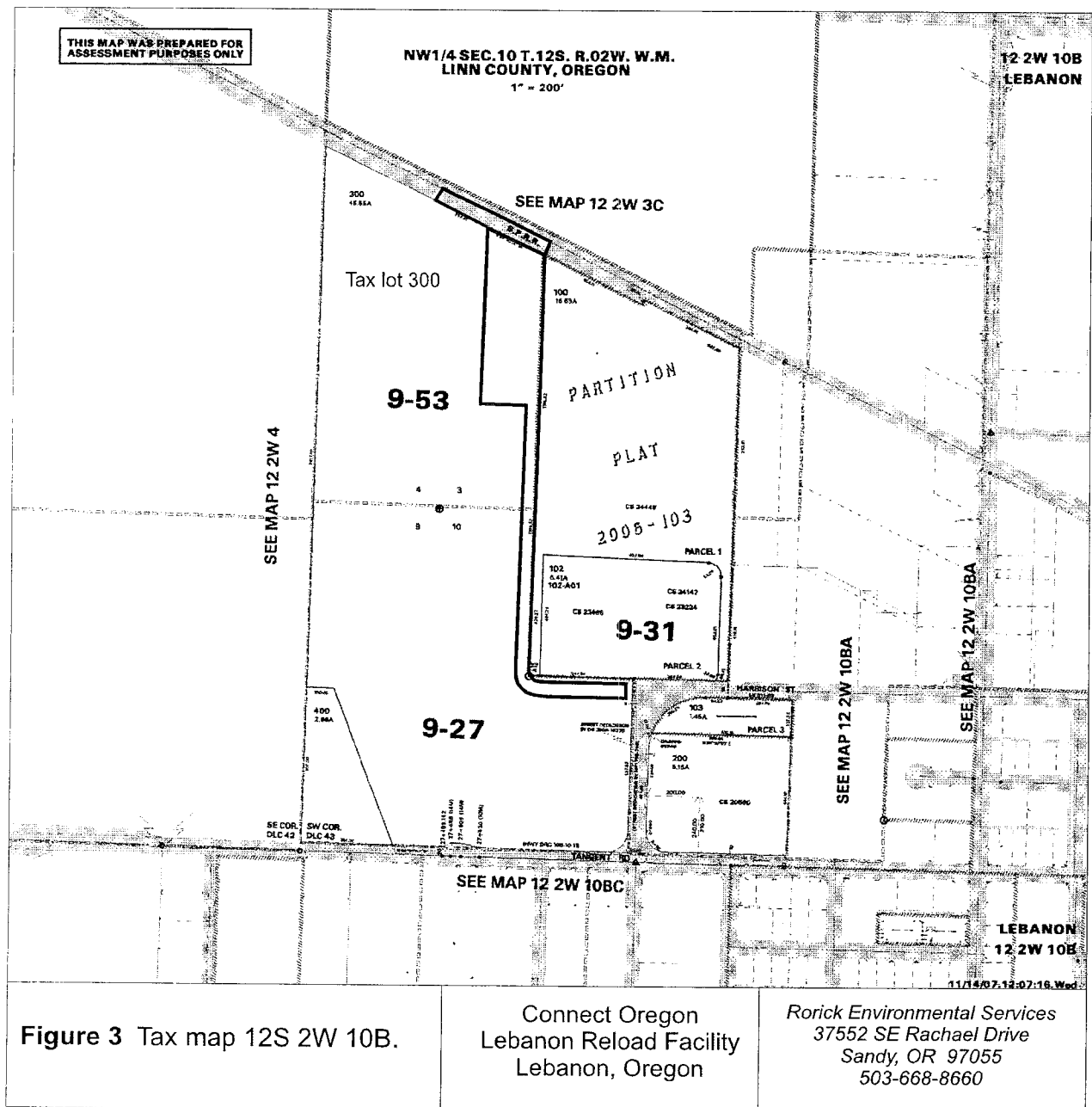
Written comments:

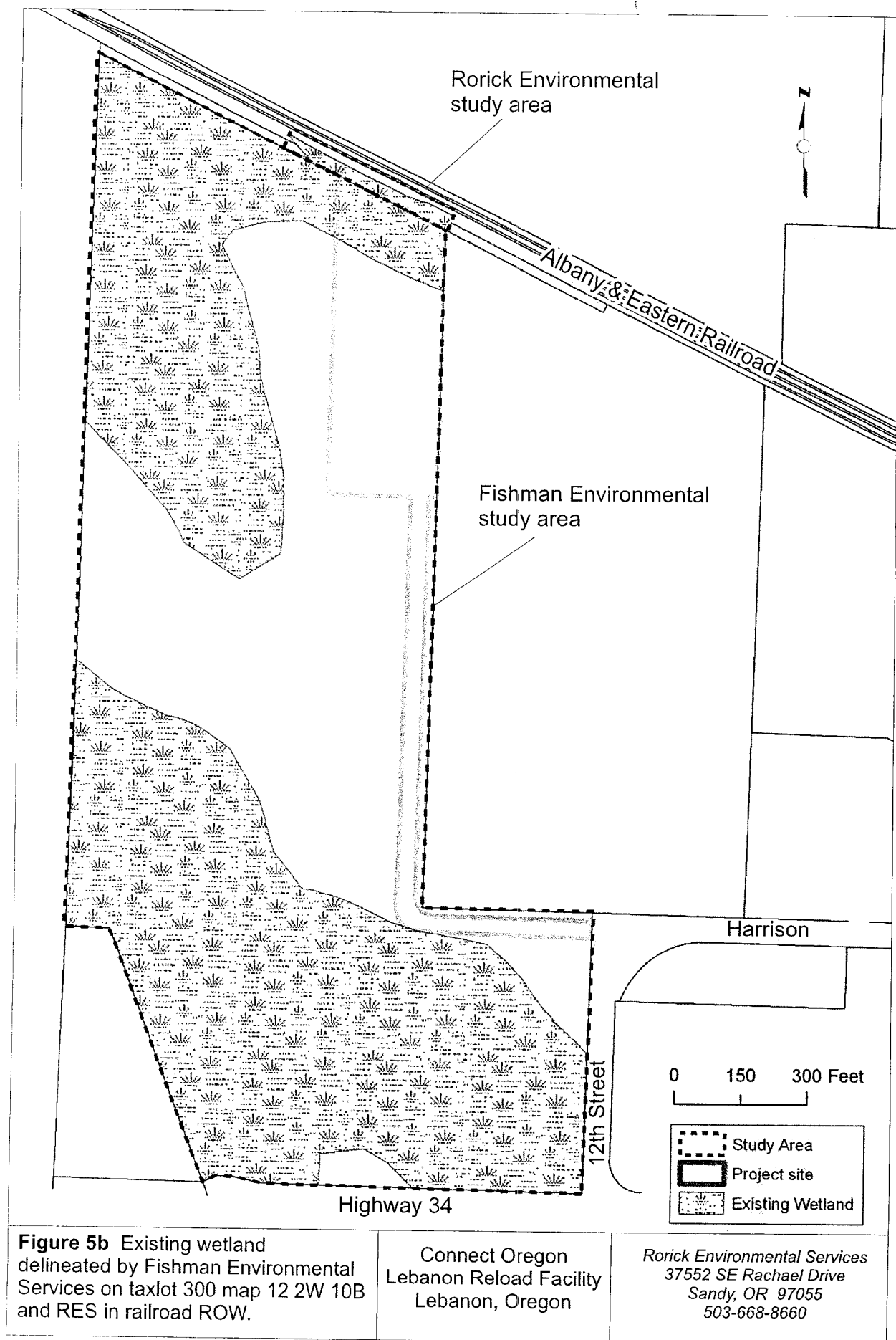
Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **October 9, 2008**. Written comments should be mailed to Oregon Department of Environmental Quality, Northwest Region, Attn: 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, emails should be aware that if there is a delay between servers or if a server is not functioning properly, emails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

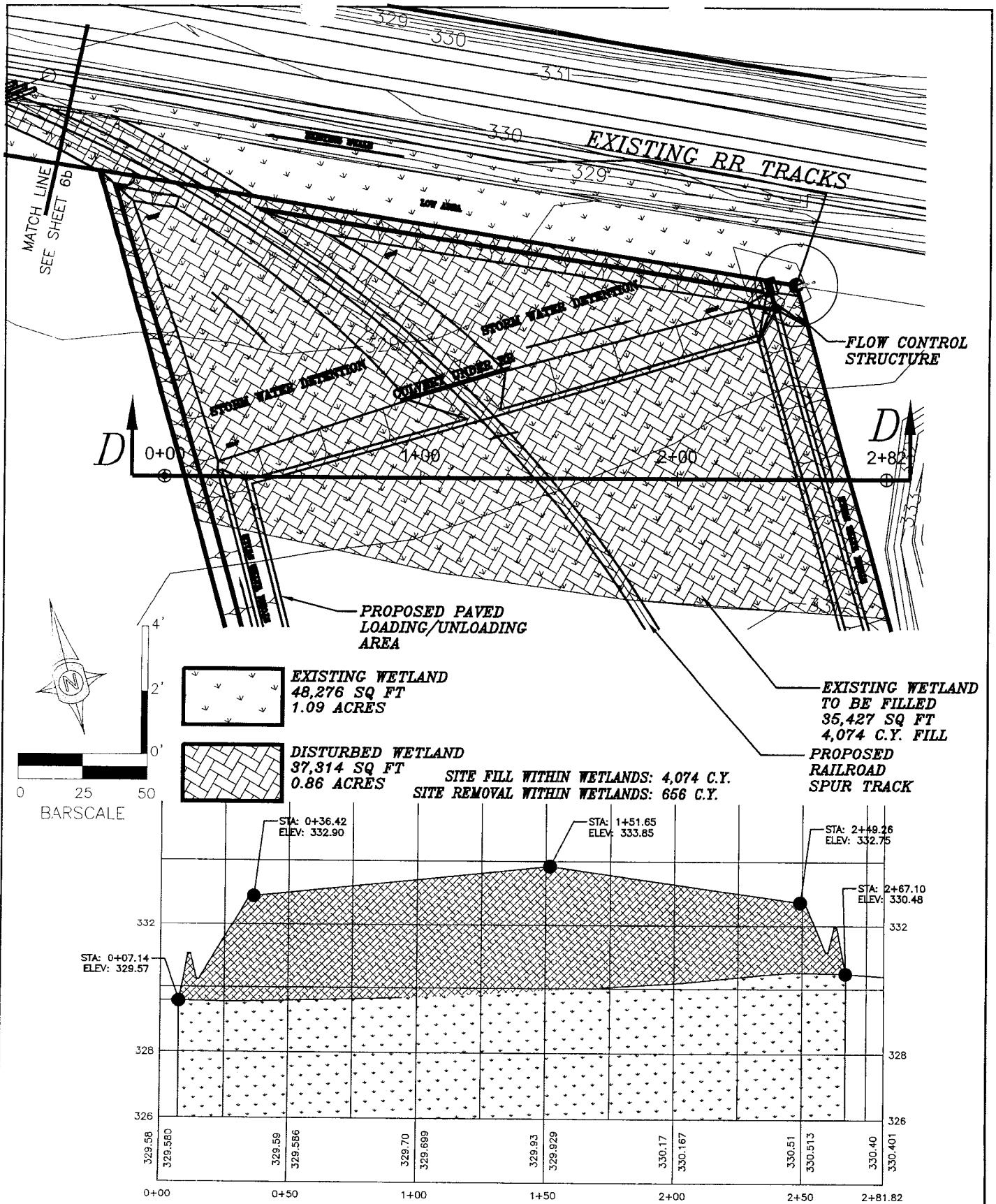
WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at (800) 452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.









Date 06-12-08

Project

Drawn by
M. McCall

Checked by
BSV

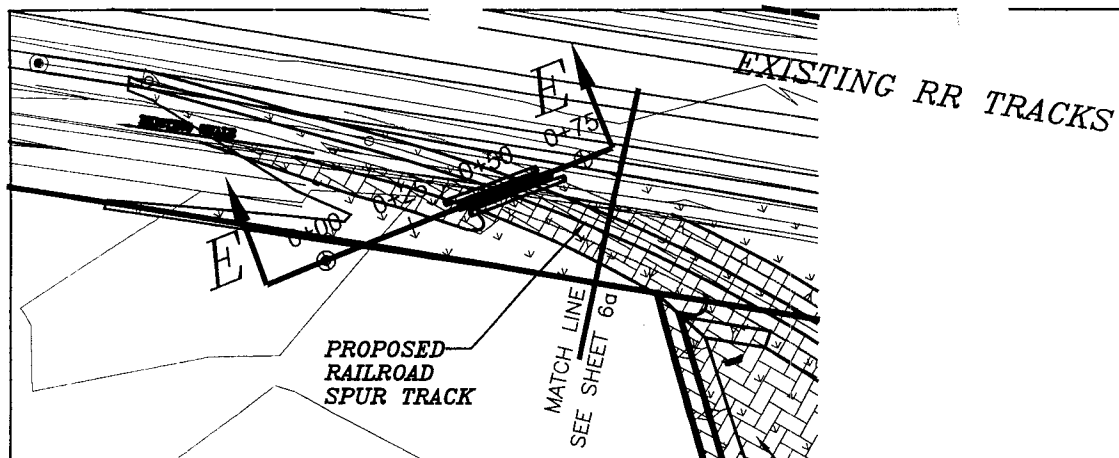
SECTION D-D

**CONNECT OREGON
LEBANON RELOAD FACILITY
LEBANON, OREGON**

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-6125

FIGURE 6a

SCALE: AS NOTED



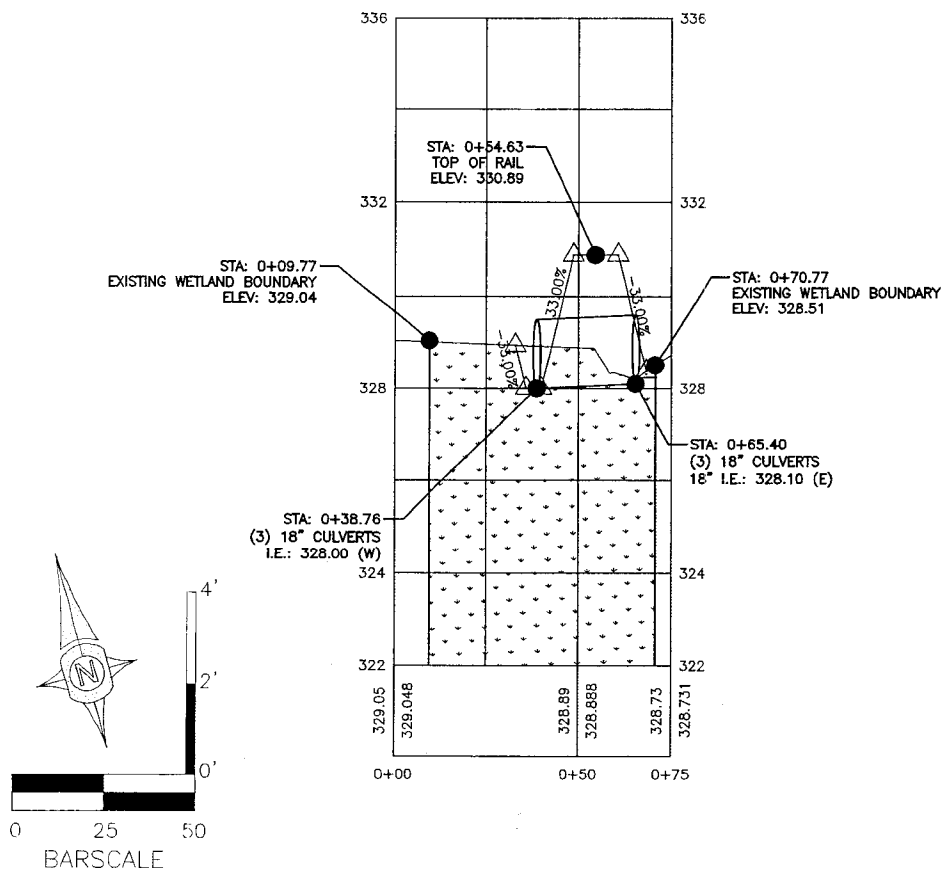
EXISTING WETLAND
48,276 SQ FT
1.09 ACRES



DISTURBED WETLAND
37,314 SQ FT
0.86 ACRES

**EXISTING WETLAND
TO BE FILLED**
35,427 SQ FT
4,074 C.Y. FILL

SITE FILL WITHIN WETLANDS: 4,074 C.Y.
SITE REMOVAL WITHIN WETLANDS: 656 C.Y.



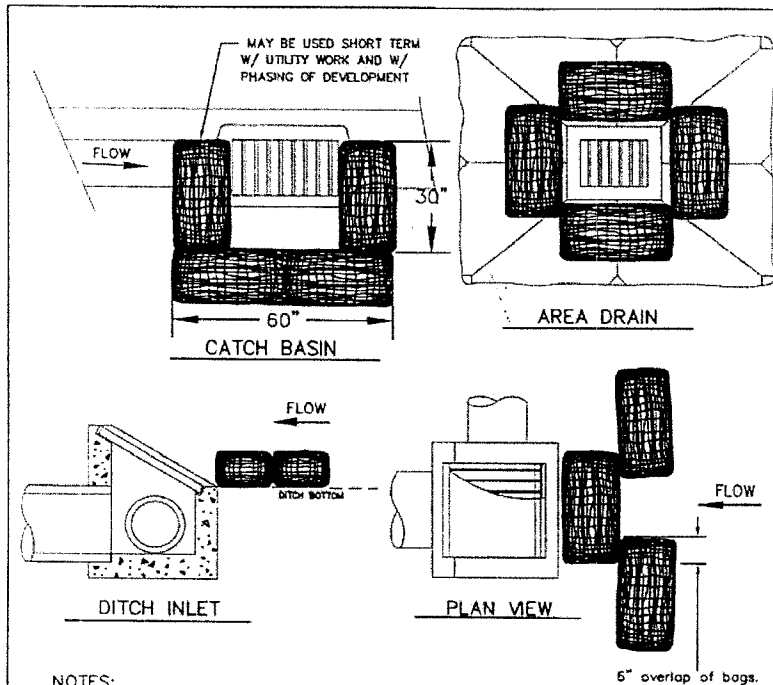
Date 06-12-08
Project
Drawn by M. McCall
Checked by BSV

SECTION D-D
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541-451-5125

FIGURE 6b

SCALE: AS NOTED



NOTES:

1. ADDITIONAL MEASURES MUST BE CONSIDERED DEPENDING ON SOIL TYPES.
2. BIO-FILTER BAGS SHOULD BE STAKED WHERE APPLICABLE USING (2) 1"x2" WOODEN STAKES OR APPROVED EQUAL PER BAG.
3. WHEN USING 30" BIO-BAGS TO PROTECT A CATCH BASIN YOU MUST HAVE 4 BAGS AND THEY SHALL BE OVERLAPPED BY 6".

FOR FURTHER INFORMATION
ON DESIGN CRITERIA SEE
CHAPTER 4 OF CLEAN WATER
SERVICES EROSION PREVENTION
AND SEDIMENT CONTROL
PLANNING AND DESIGN MANUAL.

**INLET PROTECTION
TYPE 4**

DRAWING NO. 915

REVISED 12-06

CleanWater Services
Our commitment is clear.

Date 06-12-08
Project

Drawn by
M. McCall
Checked by
BSV

EROSION CONTROL DETAILS
CONNECT OREGON
LEBANON RELOAD FACILITY
LEBANON, OREGON

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON, 97356
541-451-5125

FIGURE 9g

SCALE: AS NOTED